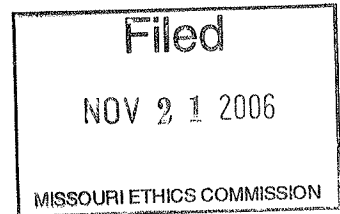


**BEFORE THE
MISSOURI ETHICS COMMISSION**



| | | |
|-------------------------------|---|-----------|
| MISSOURI ETHICS COMMISSION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | No. H2450 |
| |) | |
| COUNCIL TO PROTECT MISSOURI'S |) | |
| VALUES, et al., |) | |
| |) | |
| Respondents. |) | |

**JOINT STIPULATION OF FACTS, WAIVER OF
HEARINGS BEFORE THE MISSOURI ETHICS COMMISSION,
AND CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action against Respondent Mark Jones for violations of statutes set forth below.

The undersigned Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that he is aware of the various rights and privileges afforded it by law, including but not limited to: the right to appear and be represented by counsel; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to the Respondents by operation of law, the undersigned Respondent, Mark Jones, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of

Facts, Waiver of Hearings Before the Missouri Ethics Commission, and Consent Order With Joint Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission (the "Commission") is an agency of the State of Missouri created and established pursuant to Section 105.955, RSMo, for the purpose of executing and enforcing the provisions of Sections 105.450 to 105.498 and Chapter 130, RSMo.

2. Respondent Council to Protect Missouri's Values was organized in 1998 and has operated as a continuing committee since that time.

3. On its Statement of Committee Organization filed on July 25, 2002, and confirmed by a Statement of Committee Organization filed on December 3, 2002, Council listed Respondent Ann Jones as its treasurer and no one as a deputy treasurer. No amendment of that Statement of Organization has been filed by Respondent Council.

4. Respondent Brian Bogard ("Bogard") was the Treasurer of Respondent Council until July 25, 2002.

5. Bogard remained as the sole person authorized to sign checks drawn on the official bank depository account of the Council to Protect Missouri's Values until November 21, 2002.

6. On October 30, 2002, Brian Bogard signed a check drawn on the committee's official depository account payable to KRES in the amount of \$3,0000.00. The check was subsequently delivered to the payee.

7. On October 30, 2002, Bogard signed a check drawn on the committee's official depository account payable to KMNR-KKWK in the amount of \$2,000.00. The check was subsequently delivered to the payee.

8. The 30-day after disclosure report was completed by Respondent Mark Jones, who is the ex-husband of Respondent Ann Jones, at the request of Ann Jones. Mark Jones also signed the name of Ann Jones on the report.

9. Respondent Mark Jones knew of the two payments to radio stations prior to the completion of the 30-day after disclosure report.

10. Mark Jones served as the "House Director" of Team Missouri, another Missouri continuing committee, throughout the November, 2002 general election campaign.

11. Team Missouri was closely affiliated with the Missouri House Democratic Campaign Committee, also known as MHDCC, another Missouri continuing committee. The work of Respondent Mark Jones focused on campaigns of Democratic candidates for the Missouri House of Representatives in the November, 2002 general election as they were jointly supported by Team Missouri and MHDCC.

12. Prior to completion and submission of the 30-day after disclosure report, Respondent Mark Jones knew that Team Missouri and MHDCC had caused expenditures for certain campaign

materials and advertising to be made in the name of Council to Protect Missouri's Values, even though the Council to Protect Missouri's Values had not paid for them.

13. An employee of Team Missouri, Brian Zuzenak, arranged for the production of written campaign materials in support of Mike Allen, a candidate for State Representative in the 85th District of the Missouri House of Representatives in the November, 2002 general election, by Julia Jenner, and instructed her to include as the disclaimer that it was paid for by the Council to Protect Missouri's Values.

14. Jenner sent an invoice dated October 15, 2002 for \$300.00 for the production of the materials described in paragraph 13 hereof to Team Missouri.

15. The incurring of the services of Jenner for Team Missouri was an expenditure by or for Respondent Council, but it was not reported as a contribution or an expenditure by Respondent Council on its disclosure report filed on December 11, 2002.

16. On or about October 30, 2002, MHDCC issued and sent its check in the amount of \$3,668.21 payable to Kwik-Kopy Printing for the printing and distribution of written campaign materials supporting Mike Allen and opposing Jim Lembke for State Representative in the 85th District in the November, 2002 general election. The written materials were published, circulated and distributed prior to the November, 2002 general election.

17. The written materials contained a statement saying that it had been paid for by The Council to Protect Missouri's Values, Reverend Ann Jones, Treasurer.

18. The payment by MHDCC to Kwik-Kopy Printing was a contribution to or an expenditure for Respondent Council, but it was not reported as a contribution or an expenditure by Respondent Council on its disclosure report filed on December 11, 2002.

19. On or about October 31, 2002, Bates Neimand, Inc., of Washington, D.C., billed the Council to Protect Missouri's Values the amount of \$11,162.00 for materials produced by Bates Neimand in opposition to Theresa Sandler, a candidate for District 22 of the Missouri House of Representatives in the November, 2002 general election. Respondent Mark Jones had directed Bates Neimand to bill Respondent Council in that manner.

20. The incurring of the Bates Neimand services was an expenditure by or for Respondent Council to Protect Missouri's Values or a contribution to it, but it was not reported as a contribution or as an expenditure by Respondent Council to Protect Missouri's Values on its disclosure report filed on December 11, 2002.

21. On or about October 30, 2002, Council to Protect Missouri's Values received a contribution in the amount of \$5,000.00 from Taxpayers In Support of Public Education, a Missouri continuing committee.

22. On its disclosure report filed on December 11, 2002, Council to Protect Missouri's Values showed that the \$5,0000 contribution had been received from MNEA, rather than from Taxpayers In Support of Public Education.

23. On December 12, 2002, December 18, 2002, and on January 9, 2003, the Commission received complaints alleging that the Council to Protect Missouri's Values had failed to file campaign finance disclosure reports as required under Chapter 130, RSMo.

24. The Commission conducted an investigation of the complaints pursuant to §§ 105.959 and 105.961.1, RSMo, and, based on the reports of the investigators, determined there were reasonable grounds to believe that a violation or violations of the law had occurred, but that criminal

prosecution would not be appropriate. It referred the case to counsel for purposes of proceeding with a hearing pursuant to § 105.961.3, RSMo.

JOINT PROPOSED CONCLUSIONS OF LAW

1. Each campaign finance disclosure report must include the amount of expenditures made for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures made for or against that candidate or ballot measure by name, mailing address and office sought, under § 130.041.1(7), RSMo.

2. Respondent Mark Jones, in completing and signing the 30-day after report for Council to Protect Missouri's Values, violated § 130.041.1(7), RSMo by failing to file a direct expenditure report identifying the candidate(s) or ballot measure(s) supported or opposed by the expenditures shown on its 30-day after disclosure report filed on December 11, 2002.

3. Section 130.031.3, RSMo, states as follows:

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditure the person has made for that committee.

4. Section 130.041.1, RSMo, provides in pertinent part with regard to committee disclosure reports of receipts and expenditures:

[E]ach report shall set forth: . . .

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor . . .

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

...

(4) Expenditures for the period, including: . . .

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made or contracted for, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and aggregate amount paid to each such worker;

5. Under § 130.011(16), an "expenditure" for purposes of the campaign finance law includes "a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office . . . or for the support of any committee which in turn supports or opposes any candidate. . . ."

6. Respondent Mark Jones has violated § 130.031.3, RSMo and § 130.041, RSMo failing to appropriately report the identity of the actual source of the contribution or the actual recipient or purpose of the expenditure, regarding the written campaign materials produced by Julia Jenner in support of Mike Allen, as further described in paragraph 13 of the Findings of Fact, as a contribution or an expenditure on the committee's 30-day after report.

7. Respondent Mark Jones has violated § 130.031.3, RSMo and § 130.041, RSMo by failing to appropriately report the identity of the actual source of the contribution or the actual recipient or purpose of the expenditure, regarding the printing and distribution of written campaign materials supporting Mike Allen, as further described in paragraph 16 of the Findings of Fact, as a contribution or an expenditure on the committee's 30-day after report.

8. Respondent Mark Jones has violated § 130.031.3, RSMo and § 130.041, RSMo by failing to appropriately report the identity of the actual source of the contribution or the actual recipient or purpose of the expenditure, regarding the Bates Neimand Services as further described in paragraph 19 of the Findings of Fact, on the committee's 30-day after report.

9. Respondent Mark Jones has violated § 130.031.3, RSMo and § 130.041, RSMo by failing to cause Respondent Council to disclose accurately the contributor of the \$5,000.00 contribution received by the committee on or about October 30, 2002, as described in paragraph 24 of the Findings of Fact.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter, which will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.

2. The Commission shall, after issuance of the Consent Order, send to the undersigned Respondent a letter of reprimand pursuant to Section 105.961.4(4), RSMo, and a cease and desist order pursuant to § 105.961.4(1), RSMo.

3. Respondent Mark Jones shall be liable for payment of a fee to the Missouri Ethics Commission as follows:

a. By no later than sixty (60) days after the date of the Consent Order, Respondent Mark Jones shall pay to the Missouri Ethics Commission a fee pursuant to §§ 105.961.4(6) and 130.072, RSMo, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

b. The liability of Respondent Mark Jones for an additional fee of Five Thousand Dollars (\$5,000.00) shall be suspended and shall not be payable unless Respondent Mark Jones either (i) fails to make the fee payment described in paragraph 3.a above or (ii) makes a contribution in the future that violates the limitation provisions of § 130.032, RSMo or makes a contribution or an expenditure that violates the fictitious name provisions of § 130.031.3, RSMo, between the date of this Agreement and December 31, 2008. If Respondent Mark Jones makes the payment specified in subparagraph a above and does not make a contribution that violates the applicable limits of § 130.032, RSMo or a contribution or expenditure that violates the fictitious name provisions of § 130.031.3, RSMo, then the amount of this suspended liability shall be completely extinguished and shall not be recoverable from Respondent Mark Jones. If Respondent Mark Jones does not make the payment specified in subparagraph a above or does make a contribution that violates § 130.032, RSMo or a contribution or expenditure that violates § 130.031.3, RSMo during that period of time, the amount of the suspended liability shall be payable to the Missouri Ethics Commission within twenty (20) business days after a final determination is made with regard to that violation.

4. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings against Respondent Mark Jones before the Commission based upon the complaint filed by the Petitioner in the above-styled action.

5. The undersigned Respondent agrees that he will comply with all applicable sections of Chapter 130, RSMo in any future election in which he may be involved.

6. The parties to this Joint Stipulation understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

7. The undersigned Respondent, for himself and his successors and assigns, and his attorneys, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, a claim for attorney's fees whatsoever which Respondent and his attorneys now have or which they may hereafter have, which is based upon or arises out of the above-styled case.

RESPONDENT



Mark Jones 11/8/2006 By: Date

ROGER G. BROWN & ASSOCIATES

By: 


Roger G. Brown 11-9-06 Date
216 East McCarty Street
Jefferson City, MO 65101

PETITIONER



Robert F. Connor 11/13/06 Date
Executive Director

PLETZ AND REED, P.C.

By: 

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